

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROMAN TAFFESE,

Plaintiff,

v.

20-CV-548-LJV-LGF  
DECISION & ORDER

CITY OF BUFFALO, *et al.*,

Defendants.

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On May 7, 2020, the plaintiff, Roman Taffese, commenced this action alleging violations of her civil rights in connection with a search of her home on February 9, 2018, and her subsequent arrest and prosecution. Docket Item 1. Taffese asserts twelve different claims. *Id.* Relevant here are Taffese's third claim for malicious prosecution under 42 U.S.C. § 1983; her sixth claim for violations of her Fourth, Fifth, and Fourteenth Amendment rights under 42 U.S.C. § 1986; her twelfth claim for false arrest and malicious prosecution under New York law; and her claim for punitive damages. *Id.* On July 24, 2020, the Court referred this case to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 18.

On July 24, 2020, Erie County and Erie County District Attorneys John/Jane Does #1-10 (the "County defendants") moved to dismiss Taffese's third, sixth, and twelfth claims and her claim for punitive damages. Docket Item 15. About a month later, Taffese responded. Docket Item 36. More specifically, Taffese opposed the County defendants' motion to dismiss to the third claim, but she consented to the

dismissal of the sixth and twelfth claims as well as to the dismissal of her claim for punitive damages against the County defendants. *Id.* On September 22, 2020, the County defendants replied. Docket Item 40.

On May 25, 2022, Judge Foschio issued a Report and Recommendation (“R&R”) finding that the County defendants’ motion should be granted. Docket Item 68. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Foschio’s R&R as well as the parties’ submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Foschio’s recommendation to grant the County defendants’ motion.

For the reasons stated in the R&R, the County defendants’ motion to dismiss, Docket Item 15, is GRANTED, and Taffese’s third, sixth, and twelfth claims, as well as her claim for punitive damages, are DISMISSED as against the County defendants without leave to replead. The case is referred back to Judge Foschio for further proceedings consistent with the referral order of July 24, 2020, Docket Item 18.

SO ORDERED.

Dated: June 30, 2022  
Buffalo, New York

**/s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE